

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

RICARDO R. GARCIA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:19cv331-LO-MSN
)	
VOLKSWAGEN GROUP OF AMERICA,)	
INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	

**VOLKSWAGEN AKTIENGESELLSCHAFT’S
ANSWER TO THE AMENDED COMPLAINT**

Defendant Volkswagen Aktiengesellschaft (“VW AG”), by and through its undersigned counsel, hereby answers Plaintiffs’ amended complaint dated May 31, 2019 (the “Complaint”) as follows.¹

VW AG provides this Answer based on a reasonable inquiry and its knowledge to date. Investigations into the matters that are the subject of the Complaint are ongoing. Accordingly, VW AG reserves the right to amend, supplement, revise, clarify or correct the responses set forth below after those investigations have concluded. Moreover, consistent with the subject of this litigation, VW AG is limiting its responses herein to U.S. market vehicles.

VW AG denies that the table of contents, headings and sub-headings of the Complaint constitute allegations requiring a response. To the extent that any response is required

¹ VW AG is not answering or responding on behalf of defendants Volkswagen Group of America, Inc. (“VWGoA”), which has already answered, or Audi Aktiengesellschaft (“Audi AG”).

to the table of contents, headings and sub-headings of the Complaint, VW AG denies any allegations purportedly set forth therein. VW AG further denies each and every other allegation or purported allegation of the Complaint except as specifically addressed and admitted herein.

VW AG further denies that Plaintiffs are entitled to the relief sought in the Complaint, or to any other relief from VW AG.

In response to the first unnumbered paragraph of the Complaint, VW AG admits that Plaintiffs Ricardo R. Garcia, Duane K. Glover, Paul E. Jacobson, Gaetano Calise, Mykhaylo I. Holovatyuk, Brian Garcia, Paul Thomson and David Hartman (collectively, “Plaintiffs”) purport to bring this action on behalf of themselves and a putative class, but denies that the allegations have merit and denies that this action may be maintained as a class action.

1. In response to paragraph 1, VW AG denies the allegations of paragraph 1.
2. In response to paragraph 2, VW AG denies the allegations of paragraph 2 as to itself, and refers to paragraph 2 of VWGoA’s Answer to the Amended Complaint, dated December 9, 2019 (Doc. 75) (the “VWGoA Answer”), as to VWGoA.
3. In response to paragraph 3, VW AG denies the allegations of paragraph 3 as to itself, and refers to paragraph 3 of the VWGoA Answer as to VWGoA.
4. In response to paragraph 4, VW AG denies the allegations of paragraph 4 as to itself, and refers to paragraph 4 of the VWGoA Answer as to VWGoA.
5. In response to paragraph 5, VW AG denies the allegations of paragraph 5.
6. In response to paragraph 6, VW AG states that the first four sentences of paragraph 6 consist of explanatory statements and characterizations by Plaintiffs to which no response is required; to the extent that any response is required, VW AG denies. In response to the remaining

allegations of paragraph 6, VW AG denies the allegations as to itself, and refers to paragraph 6 of the VWGoA Answer as to VWGoA.

7. In response to paragraph 7, VW AG denies the allegations of paragraph 7.

8. In response to paragraph 8, VW AG states that paragraph 8 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies the allegations of paragraph 8.

9. In response to the first sentence of paragraph 9, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegation that Plaintiff R. Garcia is a resident of the State of Washington; denies that Auburn Volkswagen is an agent of VWGoA or VW AG; and otherwise denies the allegations as to itself, and refers to paragraph 9 of the VWGoA Answer as to VWGoA. In response to the second sentence of paragraph 9, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 9 of the VWGoA Answer, and otherwise denies the allegations of the second sentence of paragraph 9. In response to the third sentence of paragraph 9, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies. In response to the remainder of paragraph 9, VW AG denies, except states that it is without knowledge or information sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 9.

10. In response to the first sentence of paragraph 10, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegation that Plaintiff Glover is a resident of the State of New Jersey; denies that the VIN number of Plaintiff Glover's vehicle is accurate; denies that Princeton Audi is an agent of VWGoA or VW AG; and

otherwise denies the allegations as to itself, and refers to paragraph 10 of the VWGoA Answer as to VWGoA. In response to the second sentence of paragraph 10, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 10 of the VWGoA Answer, and otherwise denies the allegations of the second sentence of paragraph 10. In response to the third sentence of paragraph 10, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies. In response to the remainder of paragraph 10, VW AG denies, except states that it is without knowledge or information sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 10.

11. In response to the first sentence of paragraph 11, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegations that Plaintiff Jacobson is a resident of the State of Colorado and that he purchased the vehicle from Dublin Volkswagen; denies that Dublin Volkswagen is an agent of VWGoA or VW AG; and otherwise denies the allegations as to itself, and refers to paragraph 11 of the VWGoA Answer as to VWGoA. In response to the second sentence of paragraph 11, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 11 of the VWGoA Answer, and otherwise denies the allegations of the second sentence of paragraph 11. In response to the third sentence of paragraph 11, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies. In response to the remainder of paragraph 11, VW AG denies, except states that it is without knowledge or information sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 11.

12. In response to the first sentence of paragraph 12, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations. In response to the second sentence and third sentence of paragraph 12, VW AG states that they contain no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 12 of the VWGoA Answer, and otherwise denies the allegations of the second and third sentences of paragraph 12. In response to the fourth sentence of paragraph 12, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations. In response to the remainder of paragraph 12, VW AG denies, except states that it is without knowledge or information sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 12.

13. In response to the first sentence of paragraph 13, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegation that Plaintiff Holovatyuk is a resident of the State of Florida; denies that Volkswagen of Orange Park is an agent of VWGoA or VW AG; and otherwise denies the allegations as to itself, and refers to paragraph 13 of the VWGoA Answer as to VWGoA. In response to the first part of the second sentence of paragraph 13, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 13 of the VWGoA Answer, and otherwise denies the allegations of the first part of the second sentence of paragraph 13. In response to the remainder of paragraph 13, VW AG denies, except states that it is without knowledge or information sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 13.

14. In response to the first sentence of paragraph 14, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegation that

Plaintiff B. Garcia is a resident of the State of Florida; denies that Gunther Motor Company is an agent of VWGoA or VW AG; and otherwise denies the allegations as to itself, and refers to paragraph 14 of the VWGoA Answer as to VWGoA. In response to the second sentence of paragraph 14, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 14 of the VWGoA Answer, and otherwise denies the allegations of the second sentence of paragraph 14. In response to the remaining allegations of paragraph 14, VW AG denies, except states that it is without knowledge or information sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 14.

15. In response to the first sentence of paragraph 15, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegation that Plaintiff Thomson is a resident of the State of California; denies that the purchase date is accurate; denies that Pasadena Volkswagen is an agent of VWGoA or VW AG; and otherwise denies the allegations as to itself, and refers to paragraph 15 of the VWGoA Answer as to VWGoA. In response to the second sentence of paragraph 15, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 15 of the VWGoA Answer, and otherwise denies the allegations of the second sentence of paragraph 15. In response to the remainder of paragraph 15, VW AG denies, except states that it is without knowledge or information sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 15.

16. In response to the first sentence of paragraph 16, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegation that Plaintiff Hartman is a resident of the State of California; denies that Netfin Volkswagen is an agent

of VWGoA or VW AG; denies that the vehicle was sold as certified pre-owned (“CPO”); and otherwise denies the allegations as to itself, and refers to paragraph 16 of the VWGoA Answer as to VWGoA. In response to the second sentence of paragraph 16, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 16 of the VWGoA Answer, and otherwise denies the allegations of the second sentence of paragraph 16. In response to the remainder of paragraph 16, VW AG denies, except states that it is without knowledge or information sufficient to form a belief as to the truth of the allegation in the last sentence of paragraph 16.

17. In response to paragraph 17, VW AG admits the allegations of paragraph 17.

18. In response to paragraph 18, VW AG admits the allegations of the first, second and third sentences of paragraph 18. The fourth sentence of paragraph 18 contains a legal conclusion to which no response is required. To the extent that any response is required to the fourth sentence of paragraph 18, VW AG refers to the Hague Convention for a complete and accurate statement of its contents, and otherwise denies the allegations.

19. In response to paragraph 19, VW AG admits the allegations of the first, second and third sentences of paragraph 19. The fourth sentence of paragraph 19 contains a legal conclusion to which no response is required. To the extent that any response is required to the fourth sentence of paragraph 19, VW AG refers to the Hague Convention for a complete and accurate statement of its contents, and otherwise denies the allegations.

20. In response to paragraph 20, VW AG denies the factual allegations, and states that the remainder of paragraph 20 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies.

21. In response to paragraph 21, VW AG states that paragraph 21 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 21 of the VWGoA Answer, and otherwise denies the allegations of paragraph 21.

22. In response to paragraph 22, VW AG denies the allegations of paragraph 22.

23. In response to paragraph 23, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 23 of the VWGoA Answer, and otherwise denies the allegations of paragraph 23.

24. In response to paragraph 24, VW AG states that paragraph 24 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 24, except admits that this Court has subject-matter jurisdiction over this action with respect to VWGoA and VW AG, but not with respect to Audi AG.

25. In response to paragraph 25, VW AG states that paragraph 25 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 25 of the VWGoA Answer, and otherwise denies the allegations of paragraph 25.

26. In response to paragraph 26, VW AG states that paragraph 26 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 26, except admits that certain Volkswagen-brand vehicles were manufactured by VW AG and subsequently shipped to the United States.

27. In response to paragraph 27, VW AG denies the allegations of paragraph 27, except admits that Volkswagen-brand vehicles were manufactured in Germany, Mexico or Chattanooga, and that VWGoA marketed certain Volkswagen-brand vehicles in the United States.

28. In response to paragraph 28, VW AG denies the allegations of paragraph 28, except admits that VWGoA filed a Part 573 Safety Recall Report with NHTSA, and refers to that Report for a complete and accurate statement of its contents.

29. In response to paragraph 29, VW AG denies the factual allegations, and states that the remainder of paragraph 29 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies.

30. In response to paragraph 30, VW AG states that paragraph 30 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 30, except admits that certain Audi-brand vehicles sold in the United States were manufactured by Audi AG in Germany and subsequently shipped to the United States.

31. In response to paragraph 31, VW AG states that the first sentence of paragraph 31 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of the first sentence of paragraph 31. VW AG otherwise denies the allegations of paragraph 31.

32. In response to paragraph 32, VW AG denies the factual allegations, and states that the remainder of paragraph 32 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies.

33. In response to paragraph 33, VW AG states that the first sentence of paragraph 33 consists of a legal conclusion to which no response is required. To the extent that any response is

required, VW AG denies the allegations of the first sentence of paragraph 33, except admits that venue is proper in this District. VW AG denies the remaining allegations of paragraph 33, except admits that VWGoA is headquartered in Herndon, Virginia.

34. In response to paragraph 34, VW AG states that paragraph 34 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the cited statutes and regulations for a complete and accurate statement of their contents.

35. In response to paragraph 35, VW AG states that paragraph 35 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the cited regulations for a complete and accurate statement of their contents.

36. In response to paragraph 36, VW AG states that paragraph 36 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the cited regulations for a complete and accurate statement of their contents.

37. In response to paragraph 37, VW AG admits that certain Volkswagen-brand vehicles were produced in a manufacturing facility located in Chattanooga, Tennessee. VW AG states that the remainder of paragraph 37 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 37.

38. In response to paragraph 38, VW AG states that paragraph 38 consists of explanatory statements and characterizations by Plaintiffs to which no response is required. To the extent that any response is required, VW AG admits that the automobile product development process includes building early models for evaluation in multiple stages, which can include concept cars, prototypes, and later vehicles manufactured close to the “start of production”

(“SOP”); admits that such early models may be referred to as “pre-series” or “pre-production” vehicles; and otherwise denies the allegations of paragraph 38.

39. In response to paragraph 39, VW AG states that paragraph 39 consists of explanatory statements and characterizations by Plaintiffs to which no response is required. To the extent that any response is required, VW AG admits that vehicles built during the development stages prior to SOP may be referred to as “pre-series” or “pre-production” vehicles; admits that some vehicles produced immediately before the start of series production were referred to as “zero-series” vehicles; and otherwise denies the allegations of paragraph 39.

40. In response to paragraph 40, VW AG states that paragraph 40 consists of explanatory statements and characterizations by Plaintiffs to which no response is required. To the extent that any response is required, VW AG admits that pre-production cars may be very similar or the same as series vehicles, and otherwise denies the allegations of paragraph 40.

41. In response to paragraph 41, VW AG denies the allegations of paragraph 41 as to itself, and refers to paragraph 41 of the VWGoA Answer as to VWGoA.

42. In response to paragraph 42, VW AG denies the allegations of paragraph 42.

43. In response to paragraph 43, VW AG denies the allegations of paragraph 43.

44. In response to paragraph 44, VW AG denies the allegations of paragraph 44.

45. In response to paragraph 45, VW AG admits that it expends certain resources to promote its vehicles, and otherwise denies the allegations of paragraph 45 as to itself and refers to paragraph 45 of the VWGoA Answer as to VWGoA.

46. In response to paragraph 46, VW AG admits that it is involved in some car shows, and otherwise denies the allegations of paragraph 46 as to itself and refers to paragraph 46 of the VWGoA Answer as to VWGoA.

47. In response to paragraph 47, VW AG admits that it is involved in some car shows, and otherwise denies the allegations of paragraph 47 as to itself and refers to paragraph 47 of the VWGoA Answer as to VWGoA.

48. In response to paragraph 48, VW AG denies the allegations of paragraph 48 as to itself, and refers to paragraph 48 of the VWGoA Answer as to VWGoA.

49. In response to paragraph 49, VW AG refers to the Digital Trends article referenced in paragraph 49 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 49.

50. In response to paragraph 50, VW AG states that the first three sentences consist of explanatory statements and characterizations by Plaintiffs to which no response is required. To the extent that any response is required to the first three sentences of paragraph 50, VW AG denies. In response to the fourth and fifth sentences of paragraph 50, VW AG denies.

51. In response to paragraph 51, VW AG denies the allegations of paragraph 51 as to itself, and refers to paragraph 51 of the VWGoA Answer as to VWGoA.

52. In response to paragraph 52, VW AG denies the allegations of paragraph 52 as to itself, and refers to paragraph 52 of the VWGoA Answer as to VWGoA.

53. In response to paragraph 53, VW AG denies the allegations of paragraph 53 as to itself, and refers to paragraph 53 of the VWGoA Answer as to VWGoA.

54. In response to paragraph 54, VW AG denies the allegations of paragraph 54 as to itself, and refers to paragraph 54 of the VWGoA Answer as to VWGoA.

55. In response to paragraph 55, VW AG denies the allegations of paragraph 55.

56. In response to paragraph 56, VW AG denies the allegations of paragraph 56.

57. In response to paragraph 57, VW AG states that the first sentence consists of legal conclusions to which no response is required. In response to the second and third sentences of paragraph 57, VW AG denies.

58. In response to paragraph 58, VW AG denies the allegations of paragraph 58.

59. In response to paragraph 59, VW AG denies the allegations of paragraph 59.

60. In response to paragraph 60, VW AG denies the allegations of paragraph 60.

61. In response to paragraph 61, VW AG states that the first, second and third sentences of paragraph 61 consist of explanatory statements and characterizations by Plaintiffs to which no response is required. To the extent that any response is required, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, and therefore denies. In response to the fourth sentence of paragraph 61, VW AG denies.

62. In response to the first sentence of paragraph 62, VW AG denies, except refers to the Carfax report for a complete and accurate statement of its contents. In response to the second sentence of paragraph 62, VW AG states that it contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 62 of the VWGoA Answer, and otherwise denies the allegations of the second sentence of paragraph 62. In response to the third sentence of paragraph 62, VW AG denies.

63. In response to paragraph 63, VW AG denies the allegations of paragraph 63.

64. In response to paragraph 64, VW AG refers to the service records for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 64.

65. In response to the first sentence of paragraph 65, VW AG refers to the Carfax report for a complete and accurate statement of its contents, and otherwise denies. In response to the second sentence of paragraph 65, VW AG states that the second sentence of paragraph 65 contains

no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 65 of the VWGoA Answer, and otherwise denies the allegations of the second sentence of paragraph 65. In response to the third sentence of paragraph 65, VW AG denies.

66. In response to paragraph 66, VW AG denies the allegations of paragraph 66.

67. In response to paragraph 67, VW AG admits that residual value can be defined as the estimated value of an asset at the end of a fixed term or period of usage, and otherwise denies the allegations of paragraph 67.

68. In response to paragraph 68, VW AG denies the allegations of paragraph 68 as to itself, and refers to paragraph 68 of the VWGoA Answer as to VWGoA.

69. In response to paragraph 69, VW AG states that the first sentence of paragraph 69 consists of explanatory statements and characterizations by Plaintiffs to which no response is required. To the extent that any response is required, VW AG denies the allegations of the first sentence of paragraph 69 as to itself, and refers to paragraph 69 of the VWGoA Answer as to VWGoA. In response to the remaining allegations of paragraph 69, VW AG denies as to itself, and refers to paragraph 69 of the VWGoA Answer as to VWGoA.

70. In response to paragraph 70, VW AG denies the allegations of paragraph 70 as to itself, and refers to paragraph 70 of the VWGoA Answer as to VWGoA.

71. In response to paragraph 71, VW AG denies the allegations of paragraph 71 as to itself, and refers to paragraph 71 of the VWGoA Answer as to VWGoA.

72. In response to paragraph 72, VW AG denies the allegations of paragraph 72 as to itself, and refers to paragraph 72 of the VWGoA Answer as to VWGoA.

73. In response to paragraph 73, VW AG denies the allegations of paragraph 73 as to itself, and refers to paragraph 73 of the VWGoA Answer as to VWGoA.

74. In response to paragraph 74, VW AG denies the allegations of paragraph 74 as to itself, and refers to paragraph 74 of the VWGoA Answer as to VWGoA.

75. In response to paragraph 75, VW AG denies the allegations of paragraph 75 as to itself, and refers to paragraph 75 of the VWGoA Answer as to VWGoA.

76. In response to paragraph 76, VW AG denies the allegations of paragraph 76.

77. In response to paragraph 77, VW AG denies the allegations of paragraph 77 as to itself, and refers to paragraph 77 of the VWGoA Answer as to VWGoA.

78. In response to paragraph 78, VW AG denies the allegations of paragraph 78 as to itself, and refers to paragraph 78 of the VWGoA Answer as to VWGoA.

79. In response to paragraph 79, VW AG denies the allegations of paragraph 79 as to itself, and refers to paragraph 79 of the VWGoA Answer as to VWGoA.

80. In response to paragraph 80, VW AG denies the allegations of paragraph 80, except refers to the alleged “Audi CPO training materials” for a complete and accurate statement of their contents.

81. In response to paragraph 81, VW AG denies the allegations of paragraph 81 as to itself, and refers to paragraph 81 of the VWGoA Answer as to VWGoA.

82. In response to paragraph 82, VW AG refers to the referenced Carfax reports for a complete and accurate statement of their contents and otherwise states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 82, which relate to the conduct of third parties, and therefore denies.

83. In response to paragraph 83, VW AG refers to the Carfax reports for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 83.

84. In response to paragraph 84, VW AG refers to the website page cited in paragraph 84 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 84.

85. In response to paragraph 85, VW AG refers to each Carfax report for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 85.

86. In response to paragraph 86, VW AG refers to each Carfax report for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 86.

87. In response to paragraph 87, VW AG refers to each Carfax report for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 87.

88. In response to paragraph 88, VW AG denies the allegations of paragraph 88 as to itself, and refers to paragraph 88 of the VWGoA Answer as to VWGoA.

89. In response to paragraph 89, VW AG denies the allegations of paragraph 89.

90. In response to paragraph 90, VW AG denies the allegations of paragraph 90 as to itself, and refers to paragraph 90 of the VWGoA Answer as to VWGoA.

91. In response to paragraph 91, VW AG denies the allegations of paragraph 91.

92. In response to paragraph 92, VW AG denies the allegations of paragraph 92 as to itself, and refers to paragraph 92 of the VWGoA Answer as to VWGoA.

93. In response to paragraph 93, VW AG denies the allegations of paragraph 93.

94. In response to paragraph 94, VW AG denies the allegations of paragraph 94.

95. In response to paragraph 95, VW AG denies the allegations of paragraph 95.

96. In response to paragraph 96, VW AG denies the allegations of paragraph 96.

97. In response to paragraph 97, VW AG admits that Herbert Diess is currently the CEO of VW AG, and otherwise denies the allegations of paragraph 97.

98. In response to paragraph 98, VW AG denies the allegations of paragraph 98.

99. In response to paragraph 99, VW AG denies the allegations of paragraph 99, except admits that VWGoA filed a Part 573 Safety Recall Report with NHTSA, and refers to that Report for a complete and accurate statement of its contents.

100. In response to paragraph 100, VW AG denies the allegations of paragraph 100, except admits that VWGoA filed a Part 573 Safety Recall Report with NHTSA, and refers to that Report for a complete and accurate statement of its contents.

101. In response to paragraph 101, VW AG denies the allegations of paragraph 101, except admits that VWGoA filed a Part 573 Safety Recall Report with NHTSA, and refers to that Report for a complete and accurate statement of its contents.

102. In response to paragraph 102, VW AG denies the allegations of paragraph 102.

103. In response to paragraph 103, VW AG denies the allegations of paragraph 103, except refers to the referenced June 5, 2013 e-mail for a complete and accurate statement of its contents.

104. In response to paragraph 104, VW AG denies the allegations of paragraph 104, except refers to the alleged November 5, 2014 communication for a complete and accurate statement of its contents.

105. In response to the first sentence of paragraph 105, VW AG denies. In response to the second sentence of paragraph 105, VW AG denies the allegations as to itself, and refers to paragraph 105 of the VWGoA Answer as to VWGoA.

106. In response to paragraph 106, VW AG denies the allegations of paragraph 106.

107. In response to paragraph 107, VW AG states that paragraph 107 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 107.

108. In response to paragraph 108, VW AG states that paragraph 108 purports to characterize Plaintiffs' claims in this action and consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 108.

109. In response to paragraph 109, VW AG states that paragraph 109 purports to characterize Plaintiffs' claims in this action and, as such, does not require a response. To the extent that any response is required, VW AG denies the allegations of paragraph 109.

110. In response to paragraph 110, VW AG states that paragraph 110 purports to characterize Plaintiffs' claims in this action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 110.

111. In response to paragraph 111, VW AG states that paragraph 111 purports to characterize Plaintiffs' claims in this action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 111.

112. In response to paragraph 112, VW AG states that paragraph 112 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 112.

113. In response to paragraph 113, VW AG states that paragraph 113 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 113.

114. In response to paragraph 114, VW AG states that paragraph 114 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 114.

115. In response to paragraph 115, VW AG states that paragraph 115 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 115.

116. In response to paragraph 116, VW AG states that paragraph 116 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 116.

117. In response to paragraph 117, VW AG states that paragraph 117 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 117.

118. In response to paragraph 118, VW AG states that paragraph 118 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG

denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 118.

119. In response to paragraph 119, VW AG states that paragraph 119 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 119.

120. In response to paragraph 120, VW AG states that paragraph 120 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 120.

121. In response to paragraph 121, VW AG states that paragraph 121 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

122. In response to paragraph 122, VW AG states that paragraph 122 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 122.

123. In response to paragraph 123, VW AG states that paragraph 123 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes and case for a complete and accurate statement of their contents.

124. In response to paragraph 124, VW AG states that paragraph 124 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statute for a complete and accurate statement of its contents.

125. In response to paragraph 125, VW AG states that paragraph 125 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 125.

126. In response to paragraph 126, VW AG states that paragraph 126 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 126.

127. In response to paragraph 127, VW AG states that paragraph 127 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced regulations for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 127.

128. In response to paragraph 128, VW AG states that paragraph 128 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 128 of the VWGoA Answer, and otherwise denies the allegations of paragraph 128.

129. In response to paragraph 129, VW AG denies the allegations of paragraph 129.

130. In response to the first sentence of paragraph 130, VW AG denies, except admits that VWGoA filed a Part 573 Safety Recall Report with NHTSA on May 16, 2018 and refers to that Report for a complete and accurate statement of its contents. VW AG states that the remaining sentences of paragraph 130 consist of legal conclusions, to which no response is required. To the extent that any response is required, VW AG denies the remaining sentences of paragraph 130.

131. In response to paragraph 131, VW AG denies the allegations of paragraph 131.

132. In response to paragraph 132, VW AG states that paragraph 132 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates

by reference its responses to each allegation of the preceding paragraphs.

133. In response to paragraph 133, VW AG states that paragraph 133 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 133.

134. In response to paragraph 134, VW AG denies the allegations of paragraph 134, except refers to the Carfax reports prepared by Carfax for a complete and accurate statement of their contents.

135. In response to paragraph 135, VW AG refers to each Manufacturer's Certification for a complete and accurate statement of its contents, avers that it believed each vehicle it sold was legal to sell, and otherwise denies the allegations of paragraph 135.

136. In response to paragraph 136, VW AG denies the allegations of paragraph 136.

137. In response to paragraph 137, VW AG denies the allegations of paragraph 137.

138. In response to paragraph 138, VW AG denies the allegations of paragraph 138.

139. In response to paragraph 139, VW AG denies the allegations of paragraph 139.

140. In response to paragraph 140, VW AG states that paragraph 140 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the cited legal authorities for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 140.

141. In response to paragraph 141, VW AG states that paragraph 141 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 141.

142. In response to paragraph 142, VW AG denies the allegations of paragraph 142.

143. In response to paragraph 143, VW AG denies the allegations of paragraph 143.

144. In response to paragraph 144, VW AG states that paragraph 144 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

145. In response to paragraph 145, VW AG states that paragraph 145 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 145.

146. In response to paragraph 146, VW AG denies the allegations of paragraph 146 as to itself, and refers to paragraph 146 of the VWGoA Answer as to VWGoA.

147. In response to paragraph 147, VW AG denies the allegations of paragraph 147 as to itself, and refers to paragraph 147 of the VWGoA Answer as to VWGoA.

148. In response to paragraph 148, VW AG denies the allegations of paragraph 148 as to itself, and refers to paragraph 148 of the VWGoA Answer as to VWGoA.

149. In response to paragraph 149, VW AG denies the allegations of paragraph 149.

150. In response to paragraph 150, VW AG denies the allegations of paragraph 150 as to itself, and refers to paragraph 150 of the VWGoA Answer as to VWGoA.

151. In response to paragraph 151, VW AG denies the allegations of paragraph 151 as to itself, and refers to paragraph 151 of the VWGoA Answer as to VWGoA.

152. In response to paragraph 152, VW AG denies the allegations of paragraph 152, except refers to the Carfax Contract for a complete and accurate statement of its contents.

153. In response to paragraph 153, VW AG denies the allegations of paragraph 153, except refers to the Carfax Contract for a complete and accurate statement of its contents.

154. In response to paragraph 154, VW AG denies the allegations of paragraph 154 as to itself, and refers to paragraph 154 of the VWGoA Answer as to VWGoA.

155. In response to paragraph 155, VW AG denies the allegations of paragraph 155.

156. In response to paragraph 156, VW AG states that paragraph 156 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

157. In response to paragraph 157, VW AG states that paragraph 157 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 157.

158. In response to paragraph 158, VW AG denies the allegations of paragraph 158.

159. In response to paragraph 159, VW AG denies the allegations of paragraph 159.

160. In response to paragraph 160, VW AG denies the allegations of paragraph 160.

161. In response to paragraph 161, VW AG denies the allegations of paragraph 161.

162. In response to paragraph 162, VW AG denies the allegations of paragraph 162.

163. In response to paragraph 163, VW AG states that paragraph 163 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

164. In response to paragraph 164, VW AG states that paragraph 164 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 164.

165. In response to paragraph 165, VW AG states that paragraph 165 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Cal. Civ. Code § 1761 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 165.

166. In response to paragraph 166, VW AG states that paragraph 166 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Cal. Civ. Code § 1761 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 166.

167. In response to paragraph 167, VW AG states that paragraph 167 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the California CLRA for a complete and accurate statement of its contents.

168. In response to paragraph 168, VW AG denies the allegations of paragraph 168.

169. In response to paragraph 169, VW AG denies the allegations of paragraph 169.

170. In response to paragraph 170, VW AG states that paragraph 170 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 170.

171. In response to paragraph 171, VW AG denies the allegations of paragraph 171.

172. In response to paragraph 172, VW AG denies the allegations of paragraph 172.

173. In response to paragraph 173, VW AG states that paragraph 173 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 173.

174. In response to paragraph 174, VW AG denies the allegations of paragraph 174.

175. In response to paragraph 175, VW AG denies the allegations of paragraph 175.

176. In response to paragraph 176, VW AG denies the allegations of paragraph 176.

177. In response to paragraph 177, VW AG states that paragraph 177 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the California CLRA for a complete and accurate statement of its contents and the duties imposed on VW AG thereunder, and otherwise denies the allegations of paragraph 177.

178. In response to paragraph 178, VW AG denies the allegations of paragraph 178.

179. In response to paragraph 179, VW AG denies that Plaintiffs Hartman, Thomson and the putative California Class are entitled to injunctive and any other relief and states that paragraph 179 otherwise contains characterization of Plaintiffs' claims or legal conclusions as to which no response is required.

180. In response to paragraph 180, VW AG states that paragraph 180 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

181. In response to paragraph 181, VW AG states that paragraph 181 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 181.

182. In response to paragraph 182, VW AG states that paragraph 182 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Cal. Civ. Code § 1791 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 182.

183. In response to paragraph 183, VW AG states that paragraph 183 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG

refers to Cal. Civ. Code § 1791 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 183.

184. In response to paragraph 184, VW AG states that paragraph 184 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Cal. Civ. Code § 1791.1 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 184.

185. In response to paragraph 185, VW AG denies the allegations of paragraph 185.

186. In response to paragraph 186, VW AG denies the allegations of paragraph 186.

187. In response to paragraph 187, VW AG states that paragraph 187 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

188. In response to paragraph 188, VW AG states that paragraph 188 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 188.

189. In response to paragraph 189, VW AG states that paragraph 189 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Cal. Civ. Code § 1791 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 189.

190. In response to paragraph 190, VW AG states that paragraph 190 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Cal. Civ. Code § 1791 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 190.

191. In response to paragraph 191, VW AG denies the factual allegations, and states that the remainder of paragraph 191 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies.

192. In response to paragraph 192, VW AG denies the factual allegations, and states that the remainder of paragraph 192 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies.

193. In response to paragraph 193, VW AG states that paragraph 193 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 193.

194. In response to paragraph 194, VW AG states that paragraph 194 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 194.

195. In response to paragraph 195, VW AG states that paragraph 195 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 195 of the VWGoA Answer, and otherwise denies the allegations of paragraph 195.

196. In response to paragraph 196, VW AG states that paragraph 196 contains no allegations concerning VW AG requiring a response. To the extent that any response is required,

VW AG refers to paragraph 196 of the VWGoA Answer, and otherwise denies the allegations of paragraph 196.

197. In response to paragraph 197, VW AG denies the allegations of paragraph 197.

198. In response to paragraph 198, VW AG refers to the Part 573 Safety Recall Report filed with NHTSA on May 16, 2018 for a complete and accurate statement of that Report's contents. VW AG otherwise denies the allegations of paragraph 198.

199. In response to paragraph 199, VW AG denies the allegations of paragraph 199.

200. In response to paragraph 200, VW AG states that paragraph 200 purports to characterize Plaintiffs' claims in this action and, as such, does not require a response. To the extent that any response is required, VW AG denies the allegations of paragraph 200.

201. In response to paragraph 201, VW AG denies the allegations of paragraph 201.

202. In response to paragraph 202, VW AG denies the allegations of paragraph 202.

203. In response to paragraph 203, VW AG states that paragraph 203 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

204. In response to paragraph 204, VW AG states that paragraph 204 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 204.

205. In response to paragraph 205, VW AG states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, and therefore denies the factual allegations, and states that the remainder of paragraph 205 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies.

206. In response to paragraph 206, VW AG states that paragraph 206 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Colorado CPA for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 206.

207. In response to paragraph 207, VW AG states that paragraph 207 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Colorado CPA for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 207.

208. In response to paragraph 208, VW AG states that paragraph 208 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Col. Rev. Stat. § 6-1-113 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 208.

209. In response to paragraph 209, VW AG denies the allegations of paragraph 209.

210. In response to paragraph 210, VW AG denies the allegations of paragraph 210.

211. In response to paragraph 211, VW AG denies the allegations of paragraph 211.

212. In response to paragraph 212, VW AG states that paragraph 212 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 212.

213. In response to paragraph 213, VW AG denies the allegations of paragraph 213.

214. In response to paragraph 214, VW AG denies the allegations of paragraph 214.

215. In response to paragraph 215, VW AG states that paragraph 215 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 215.

216. In response to paragraph 216, VW AG denies the allegations of paragraph 216.

217. In response to paragraph 217, VW AG denies the allegations of paragraph 217.

218. In response to paragraph 218, VW AG denies the allegations of paragraph 218.

219. In response to paragraph 219, VW AG states that paragraph 219 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Colorado CPA for a complete and accurate statement of its contents and the duties imposed on VW AG thereunder, and otherwise denies the allegations of paragraph 219.

220. In response to paragraph 220, VW AG denies the allegations of paragraph 220.

221. In response to paragraph 221, VW AG denies the allegations of paragraph 221.

222. In response to paragraph 222, VW AG denies the allegations of paragraph 222.

223. In response to paragraph 223, VW AG states that paragraph 223 contains no factual allegations requiring a response. To the extent that any response is required, VW AG denies the allegations of paragraph 223.

224. In response to paragraph 224, VW AG denies that Plaintiff Jacobson and the putative Colorado Class are entitled to injunctive and any other relief and states that paragraph 224 otherwise contains characterization of Plaintiffs' claims or legal conclusions as to which no response is required.

225. In response to paragraph 225, VW AG states that paragraph 225 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

226. In response to paragraph 226, VW AG states that paragraph 226 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent

that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 226.

227. In response to paragraph 227, VW AG states that paragraph 227 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 227.

228. In response to paragraph 228, VW AG states that paragraph 228 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Colo. Rev. Stat. § 4-2-105 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 228.

229. In response to paragraph 229, VW AG states that paragraph 229 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Colo. Rev. Stat. § 4-2-314 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 229.

230. In response to paragraph 230, VW AG denies the allegations of paragraph 230.

231. In response to paragraph 231, VW AG denies the allegations of paragraph 231.

232. In response to paragraph 232, VW AG states that paragraph 232 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

233. In response to paragraph 233, VW AG states that paragraph 233 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 233.

234. In response to paragraph 234, VW AG states that paragraph 234 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 234.

235. In response to paragraph 235, VW AG states that paragraph 235 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Colo. Rev. Stat. § 4-2-105 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 235.

236. In response to paragraph 236, VW AG denies the factual allegations, and states that the remainder of paragraph 236 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies.

237. In response to paragraph 237, VW AG denies the factual allegations, and states that the remainder of paragraph 237 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies.

238. In response to paragraph 238, VW AG states that paragraph 238 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 238.

239. In response to paragraph 239, VW AG states that paragraph 239 contains no allegations concerning VW AG requiring a response. To the extent that any response is required,

VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 239.

240. In response to paragraph 240, VW AG states that paragraph 240 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 240 of the VWGoA Answer, and otherwise denies the allegations of paragraph 240.

241. In response to paragraph 241, VW AG denies the allegations of paragraph 241.

242. In response to paragraph 242, VW AG denies the allegations of paragraph 242.

243. In response to paragraph 243, VW AG refers to the Part 573 Safety Recall Report filed with NHTSA on May 16, 2018 for a complete and accurate statement of that Report’s contents. VW AG otherwise denies the allegations of paragraph 243.

244. In response to paragraph 244, VW AG denies the allegations of paragraph 244.

245. In response to paragraph 245, VW AG states that paragraph 245 purports to characterize Plaintiffs’ claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies the allegations of paragraph 245.

246. In response to paragraph 246, VW AG denies the allegations of paragraph 246.

247. In response to paragraph 247, VW AG denies the allegations of paragraph 247.

248. In response to paragraph 248, VW AG states that paragraph 248 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

249. In response to paragraph 249, VW AG states that paragraph 249 purports to characterize Plaintiffs’ claims in the action and, as such, does not require a response. To the extent

that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 249.

250. In response to paragraph 250, VW AG states that paragraph 250 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Fla. Stat. § 501.203 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 250.

251. In response to paragraph 251, VW AG states that paragraph 251 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Fla. Stat. § 501.203 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 251.

252. In response to paragraph 252, VW AG states that paragraph 252 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the FDUTPA for a complete and accurate statement of its contents.

253. In response to paragraph 253, VW AG denies the allegations of paragraph 253.

254. In response to paragraph 254, VW AG denies the allegations of paragraph 254.

255. In response to paragraph 255, VW AG states that paragraph 255 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 255.

256. In response to paragraph 256, VW AG denies the allegations of paragraph 256.

257. In response to paragraph 257, VW AG denies the allegations of paragraph 257.

258. In response to paragraph 258, VW AG states that paragraph 258 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 258.

259. In response to paragraph 259, VW AG denies the allegations of paragraph 259.

260. In response to paragraph 260, VW AG denies the allegations of paragraph 260.

261. In response to paragraph 261, VW AG denies the allegations of paragraph 261.

262. In response to paragraph 262, VW AG states that paragraph 262 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the FDUTPA for a complete and accurate statement of its contents and the duties imposed on VW AG thereunder, and otherwise denies the allegations of paragraph 262.

263. In response to paragraph 263, VW AG denies the allegations of paragraph 263.

264. In response to paragraph 264, VW AG denies that Plaintiffs Holovatyuk, B. Garcia and the putative Florida Class are entitled to injunctive and any other relief and states that paragraph 264 otherwise contains characterizations of Plaintiffs' claims or legal conclusions as to which no response is required.

265. In response to paragraph 265, VW AG states that paragraph 265 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

266. In response to paragraph 266, VW AG states that paragraph 266 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 266.

267. In response to paragraph 267, VW AG states that paragraph 267 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 267.

268. In response to paragraph 268, VW AG states that paragraph 268 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Fla. Stat. § 672.105 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 268.

269. In response to paragraph 269, VW AG states that paragraph 269 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Fla. Stat. § 672.314 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 269.

270. In response to paragraph 270, VW AG denies the allegations of paragraph 270.

271. In response to paragraph 271, VW AG denies the allegations of paragraph 271.

272. In response to paragraph 272, VW AG states that paragraph 272 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

273. In response to paragraph 273, VW AG states that paragraph 273 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 273.

274. In response to paragraph 274, VW AG states that paragraph 274 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 274.

275. In response to paragraph 275, VW AG states that paragraph 275 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Fla. Stat. § 672.105, and otherwise denies the allegations of paragraph 275.

276. In response to paragraph 276, VW AG denies the factual allegations, and states that the remainder of paragraph 276 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies.

277. In response to paragraph 277, VW AG denies the factual allegations, and states that the remainder of paragraph 277 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies.

278. In response to paragraph 278, VW AG states that paragraph 278 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 278.

279. In response to paragraph 279, VW AG states that paragraph 279 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 279.

280. In response to paragraph 280, VW AG states that paragraph 280 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 280 of the VWGoA Answer, and otherwise denies the allegations of paragraph 280.

281. In response to paragraph 281, VW AG denies the allegations of paragraph 281.

282. In response to paragraph 282, VW AG denies the allegations of paragraph 282.

283. In response to paragraph 283, VW AG refers to the Part 573 Safety Recall Report filed with NHTSA on May 16, 2018 for a complete and accurate statement of that Report's contents. VW AG otherwise denies the allegations of paragraph 283.

284. In response to paragraph 284, VW AG denies the allegations of paragraph 284.

285. In response to paragraph 285, VW AG states that paragraph 285 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies the allegations of paragraph 285.

286. In response to paragraph 286, VW AG denies the allegations of paragraph 286.

287. In response to paragraph 287, VW AG denies the allegations of paragraph 287.

288. In response to paragraph 288, VW AG states that paragraph 288 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

289. In response to paragraph 289, VW AG states that paragraph 289 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 289.

290. In response to paragraph 290, VW AG states that paragraph 290 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to 815 Ill. Comp. Stat. § 505/1 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 290.

291. In response to paragraph 291, VW AG states that paragraph 291 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to 815 Ill. Comp. Stat. § 505/1 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 291.

292. In response to paragraph 292, VW AG states that paragraph 292 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Illinois CFA for a complete and accurate statement of its contents.

293. In response to paragraph 293, VW AG denies the allegations of paragraph 293.

294. In response to paragraph 294, VW AG denies the allegations of paragraph 294.

295. In response to paragraph 295, VW AG states that paragraph 295 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 295.

296. In response to paragraph 296, VW AG denies the allegations of paragraph 296.

297. In response to paragraph 297, VW AG denies the allegations of paragraph 297.

298. In response to paragraph 298, VW AG states that paragraph 298 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 298.

299. In response to paragraph 299, VW AG denies the allegations of paragraph 299.

300. In response to paragraph 300, VW AG denies the allegations of paragraph 300.

301. In response to paragraph 301, VW AG denies the allegations of paragraph 301.

302. In response to paragraph 302, VW AG states that paragraph 302 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG

refers to the Illinois CFA for a complete and accurate statement of its contents and the duties imposed on VW AG thereunder, and otherwise denies the allegations of paragraph 302.

303. In response to paragraph 303, VW AG denies the allegations of paragraph 303.

304. In response to paragraph 304, VW AG denies that Plaintiff Calise and the putative Illinois Class are entitled to injunctive and any other relief and states that paragraph 304 otherwise contains characterization of Plaintiffs' claims or legal conclusions as to which no response is required.

305-311. Plaintiffs have withdrawn their implied warranty claims under Illinois law. Accordingly, no response is required to paragraphs 305-311 of the Complaint. To the extent that any response is required, VW AG denies.

312. In response to paragraph 312, VW AG states that paragraph 312 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

313. In response to paragraph 313, VW AG states that paragraph 313 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 313.

314. In response to paragraph 314, VW AG states that paragraph 314 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes for a complete and accurate description of their contents, and otherwise denies the allegations of paragraph 314.

315. In response to paragraph 315, VW AG states that paragraph 315 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG

refers to 810 Ill. Comp. Stat. § 5/2-105 for a complete and accurate description of its contents, and otherwise denies the allegations of paragraph 315.

316. In response to paragraph 316, VW AG denies the factual allegations, and states that the remainder of paragraph 316 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies.

317. In response to paragraph 317, VW AG denies the factual allegations, and states that the remainder of paragraph 317 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies.

318. In response to paragraph 318, VW AG states that paragraph 318 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 318.

319. In response to paragraph 319, VW AG states that paragraph 319 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 319.

320. In response to paragraph 320, VW AG states that paragraph 320 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 320 of the VWGoA Answer, and otherwise denies the allegations of paragraph 320.

321. In response to paragraph 321, VW AG denies the allegations of paragraph 321.

322. In response to paragraph 322, VW AG denies the allegations of paragraph 322.

323. In response to paragraph 323, VW AG refers to the Part 573 Safety Recall Report filed with NHTSA on May 16, 2018 for a complete and accurate statement of that Report's contents. VW AG otherwise denies the allegations of paragraph 323.

324. In response to paragraph 324, VW AG denies the allegations of paragraph 324.

325. In response to paragraph 325, VW AG states that paragraph 325 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies the allegations of paragraph 325.

326. In response to paragraph 326, VW AG denies the allegations of paragraph 326.

327. In response to paragraph 327, VW AG denies the allegations of paragraph 327.

328. In response to paragraph 328, VW AG states that paragraph 328 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

329. In response to paragraph 329, VW AG states that paragraph 329 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 329.

330. In response to paragraph 330, VW AG states that paragraph 330 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to N.J. Stat. § 56:8-1 for a complete and accurate description of its contents, and otherwise denies the allegations of paragraph 330.

331. In response to paragraph 331, VW AG states that paragraph 331 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG

refers to N.J. Stat. § 56:8-1 for a complete and accurate description of its contents, and otherwise denies the allegations of paragraph 331.

332. In response to paragraph 332, VW AG states that paragraph 332 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the New Jersey CFA for a complete and accurate description of its contents.

333. In response to paragraph 333, VW AG denies the allegations of paragraph 333.

334. In response to paragraph 334, VW AG denies the allegations of paragraph 334.

335. In response to paragraph 335, VW AG states that paragraph 335 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 335.

336. In response to paragraph 336, VW AG denies the allegations of paragraph 336.

337. In response to paragraph 337, VW AG denies the allegations of paragraph 337.

338. In response to paragraph 338, VW AG states that paragraph 338 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 338.

339. In response to paragraph 339, VW AG denies the allegations of paragraph 339.

340. In response to paragraph 340, VW AG denies the allegations of paragraph 340.

341. In response to paragraph 341, VW AG denies the allegations of paragraph 341.

342. In response to paragraph 342, VW AG states that paragraph 342 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the New Jersey CFA for a complete and accurate statement of its contents and the duties imposed on VW AG thereunder, and otherwise denies the allegations of paragraph 342.

343. In response to paragraph 343, VW AG denies the allegations of paragraph 343.

344. In response to paragraph 344, VW AG denies that Plaintiff Glover and the putative New Jersey Class are entitled to injunctive and any other relief and states that paragraph 344 otherwise contains characterizations of Plaintiffs' claims or legal conclusions as to which no response is required.

345. In response to paragraph 345, VW AG states that paragraph 345 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

346. In response to paragraph 346, VW AG states that paragraph 346 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 346.

347. In response to paragraph 347, VW AG states that paragraph 347 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 347.

348. In response to paragraph 348, VW AG states that paragraph 348 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to N.J.S. 12A:2-105 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 348.

349. In response to paragraph 349, VW AG states that paragraph 349 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to N.J.S. 12A:2-314 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 349.

350. In response to paragraph 350, VW AG denies the allegations of paragraph 350.

351. In response to paragraph 351, VW AG denies the allegations of paragraph 351.

352. In response to paragraph 352, VW AG states that paragraph 352 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation in the preceding paragraphs.

353. In response to paragraph 353, VW AG states that paragraph 353 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 353.

354. In response to paragraph 354, VW AG states that paragraph 354 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes for a complete and accurate statement of their contents, and otherwise denies the allegations of paragraph 354.

355. In response to paragraph 355, VW AG states that paragraph 355 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to N.J.S. 12A:2-105 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 355.

356. In response to paragraph 356, VW AG denies the factual allegations, and states that the remainder of paragraph 356 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies.

357. In response to paragraph 357, VW AG denies the factual allegations, and states that the remainder of paragraph 357 consists of legal conclusions to which no response is required. To

the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies.

358. In response to paragraph 358, VW AG states that paragraph 358 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 358.

359. In response to paragraph 359, VW AG states that paragraph 359 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 359.

360. In response to paragraph 360, VW AG states that paragraph 360 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 360 of the VWGoA Answer, and otherwise denies the allegations of paragraph 360.

361. In response to paragraph 361, VW AG denies the allegations of paragraph 361.

362. In response to paragraph 362, VW AG denies the allegations of paragraph 362.

363. In response to paragraph 363, VW AG refers to the Part 573 Safety Recall Report filed with NHTSA on May 16, 2018 for a complete and accurate statement of that Report’s contents. VW AG otherwise denies the allegations of paragraph 363.

364. In response to paragraph 364, VW AG denies the allegations of paragraph 364.

365. In response to paragraph 365, VW AG states that paragraph 365 purports to characterize Plaintiffs’ claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies the allegations of paragraph 365.

366. In response to paragraph 366, VW AG denies the allegations of paragraph 366.

367. In response to paragraph 367, VW AG denies the allegations of paragraph 367.

368. In response to paragraph 368, VW AG states that paragraph 368 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

369. In response to paragraph 369, VW AG states that paragraph 369 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 369.

370. In response to paragraph 370, VW AG states that paragraph 370 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Wash. Rev. Code § 19.86.010 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 370.

371. In response to paragraph 371, VW AG states that paragraph 371 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Wash. Rev. Code § 19.86.010 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 371.

372. In response to paragraph 372, VW AG states that paragraph 372 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Washington CPA for a complete and accurate statement of its contents.

373. In response to paragraph 373, VW AG denies the allegations of paragraph 373.

374. In response to paragraph 374, VW AG denies the allegations of paragraph 374.

375. In response to paragraph 375, VW AG states that paragraph 375 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 375.

376. In response to paragraph 376, VW AG denies the allegations of paragraph 376.

377. In response to paragraph 377, VW AG denies the allegations of paragraph 377.

378. In response to paragraph 378, VW AG states that paragraph 378 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG denies the allegations of paragraph 378.

379. In response to paragraph 379, VW AG denies the allegations of paragraph 379.

380. In response to paragraph 380, VW AG denies the allegations of paragraph 380.

381. In response to paragraph 381, VW AG denies the allegations of paragraph 381.

382. In response to paragraph 382, VW AG states that paragraph 382 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Washington CPA for a complete and accurate statement of its contents and the duties imposed on VW AG thereunder, and otherwise denies the allegations of paragraph 382.

383. In response to paragraph 383, VW AG denies the allegations of paragraph 383.

384. In response to paragraph 384, VW AG denies that Plaintiff R. Garcia and the putative Washington Class are entitled to injunctive and any other relief and states that paragraph 384 otherwise contains characterizations of Plaintiffs' claims or legal conclusions as to which no response is required.

385-391. Plaintiffs have withdrawn their implied warranty claims under Washington law. Accordingly, no response is required to paragraphs 385-391 of the Complaint. To the extent that any response is required, VW AG denies.

392. In response to paragraph 392, VW AG states that paragraph 392 contains no factual allegations requiring a response. To the extent that any response is required, VW AG incorporates by reference its responses to each allegation of the preceding paragraphs.

393. In response to paragraph 393, VW AG states that paragraph 393 purports to characterize Plaintiffs' claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies that this action may be maintained as a class action, and otherwise denies the allegations of paragraph 393.

394. In response to paragraph 394, VW AG states that paragraph 394 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced statutes for a complete and correct statement of their contents, and otherwise denies the allegations of paragraph 394.

395. In response to paragraph 395, VW AG states that paragraph 395 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to Wash. Rev. Code § 62A.2-105 for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 395.

396. In response to paragraph 396, VW AG denies the factual allegations, and states that the remainder of paragraph 396 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies.

397. In response to paragraph 397, VW AG denies the factual allegations, and states that the remainder of paragraph 397 consists of legal conclusions to which no response is required. To the extent that any response is required, VW AG refers to the referenced "Manufacturer's Certification" for a complete and accurate statement of its contents, and otherwise denies.

398. In response to paragraph 398, VW AG states that paragraph 398 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the Manufacturer Certificate of Origin for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 398.

399. In response to paragraph 399, VW AG states that paragraph 399 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to the referenced “Manufacturer’s Certification” for a complete and accurate statement of its contents, and otherwise denies the allegations of paragraph 399.

400. In response to paragraph 400, VW AG states that paragraph 400 contains no allegations concerning VW AG requiring a response. To the extent that any response is required, VW AG refers to paragraph 400 of the VWGoA Answer, and otherwise denies the allegations of paragraph 400.

401. In response to paragraph 401, VW AG denies the allegations of paragraph 401.

402. In response to paragraph 402, VW AG denies the allegations of paragraph 402.

403. In response to paragraph 403, VW AG refers to the Part 573 Safety Recall Report filed with NHTSA on May 16, 2018 for a complete and accurate statement of that Report’s contents. VW AG otherwise denies the allegations of paragraph 403.

404. In response to paragraph 404, VW AG denies the allegations of paragraph 404.

405. In response to paragraph 405, VW AG states that paragraph 405 purports to characterize Plaintiffs’ claims in the action and, as such, does not require a response. To the extent that any response is required, VW AG denies the allegations of paragraph 405.

406. In response to paragraph 406, VW AG denies the allegations of paragraph 406.

407. In response to paragraph 407, VW AG denies the allegations of paragraph 407.

AFFIRMATIVE DEFENSES

VW AG states the following affirmative defenses without assuming the burden of proof on such defenses that would otherwise rest with Plaintiffs.

FIRST AFFIRMATIVE DEFENSE

The Court lacks personal jurisdiction over VW AG.

SECOND AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations and/or doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrines of waiver, acquiescence or ratification.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrines of payment, release or accord and satisfaction.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, because any damages they allegedly sustained were caused by the acts and/or omissions of persons other than VW AG and over whom VW AG had no control.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, because VW AG did not make false or misleading statements to them.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, because Plaintiffs have not suffered any cognizable loss or damages under applicable law.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, because any alleged misrepresentation or breach of contract or warranty by VW AG was not the proximate cause of any alleged damages or losses.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, insofar as Plaintiffs would be unjustly enriched if they were permitted to obtain recovery in this action.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the doctrines of express and/or implied preemption.

THIRTEENTH AFFIRMATIVE DEFENSE

VW AG hereby gives notice that it intends to rely upon such other and further defenses as may become available or apparent during pretrial proceedings in this action and hereby reserves the right to amend this Answer to assert all such defenses.

PRAYER FOR RELIEF

WHEREFORE, VW AG requests dismissal of the Complaint on the merits, in its entirety and with prejudice, awarding the Defendants costs and disbursements incurred in this action, and awarding such additional relief as the Court may deem just and appropriate.

Dated: January 20, 2020

MCGUIREWOODS LLP

/s/ Frank Talbott V

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Respectfully submitted,

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Counsel for Volkswagen Aktiengesellschaft

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2020, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF filing system which will send notification of electronic filing (NEF) to all counsel of record.

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